

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)	DOCKET NO. 1:08-CR-55
)	
vs.)	VOLUME VII
)	
KATHY RAY WAHLER, EDWARD)	
WILLIAM WAHLER, and LEWIS)	
VINCENT HUGHES,)	
)	
Defendants.)	
_____)	

TRANSCRIPT OF TRIAL PROCEEDINGS
BEFORE THE HONORABLE RICHARD L. VOORHEES
UNITED STATES DISTRICT COURT JUDGE
NOVEMBER 20, 2009

APPEARANCES:

On Behalf of the Government:

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Cheryl A. Nuccio, RMR-CRR
Official Court Reporter
United States District Court
Charlotte, North Carolina

1 FRIDAY AFTERNOON, NOVEMBER 20, 2009

2 (Jury not present.)

3 THE COURT: Are the parties ready to receive the
4 verdict?

5 MS. ROSE: Yes, Your Honor.

6 THE COURT: We're advised that the jury has reached
7 a verdict, so may we have the jury brought up, please.

8 (Jury entered the courtroom at 3:57 p.m.)

9 THE COURT: We'll need the alternate jurors also,
10 please.

11 They're back there. All right. Thank you.

12 Who will speak for the jury, please?

13 JUROR NO. 5: I will.

14 THE COURT: All right, sir. And did the jury reach
15 a verdict?

16 JUROR NO. 5: Yes, we did.

17 THE COURT: And did you enter it on the verdict
18 sheet?

19 JUROR NO. 5: Yes, we did.

20 THE COURT: And was the verdict unanimous as to all
21 the various questions that were posed to the jury?

22 JUROR NO. 5: It was.

23 THE COURT: All right, sir. And you signed it and
24 dated it, I take it.

25 JUROR NO. 5: I did.

1 THE COURT: If you'll receive the verdict sheet,
2 please, Madam Clerk.

3 (The verdict sheet was tendered to the court.)

4 THE COURT: Madam Clerk, I'd ask you to publish the
5 verdict.

6 And members of the jury, I'll ask you to listen up
7 as she does that.

8 If you'll just go forward with that, please. Thank
9 you.

10 THE CLERK: In the matter of United States of
11 America versus Kathy Ray Wahler, count one: As to the charge
12 contained in count one of the bill of indictment, we hereby
13 unanimously find the defendant, Kathy Ray Wahler, not guilty.

14 Counts two through twenty: With respect to the
15 specific counts of the bill of indictment alleging mail fraud,
16 or aiding and abetting, and as alleged below, we hereby
17 unanimously find the defendant, Kathy Ray Wahler: Count two,
18 not guilty; count three, not guilty; count four, not guilty;
19 count five, not guilty; count six, not guilty; count seven,
20 not guilty; count eight, not guilty; count nine, not guilty;
21 count ten, not guilty; count eleven, not guilty; count twelve,
22 not guilty; count thirteen, not guilty.

23 Counts twenty-five and twenty-seven through
24 thirty-two: With respect to the specific counts of the bill
25 of indictment alleging mail fraud, or aiding and abetting, and

1 as indicated below, we hereby unanimously find the defendant,
2 Kathy Ray Wahler, on count twenty-five, not guilty; count
3 twenty-seven, not guilty; count twenty-eight, not guilty;
4 count twenty-nine, not guilty; count thirty, not guilty; count
5 thirty-one, not guilty; count thirty-two, not guilty.

6 So say we all, this 20th day of November 2009.

7 In the matter of the United States of America versus
8 Edward William Wahler, count one: As to the charge contained
9 in count one of the bill of indictment, we hereby unanimously
10 find the defendant, Edward William Wahler, not guilty of
11 conspiracy to defraud the United States.

12 Counts twenty through twenty-four: With respect to
13 the specific counts of the bill of indictment alleging mail
14 fraud, or aiding and abetting, and as indicated below, we
15 hereby unanimously find the defendant, Edward William Wahler,
16 on count twenty, not guilty; count twenty-one, not guilty;
17 count twenty-two, not guilty; count twenty-three, not guilty;
18 count twenty-four, not guilty.

19 Counts twenty-five and twenty-six: With respect to
20 the specific counts of the bill of indictment alleging mail
21 fraud, or aiding and abetting, and as indicated below, we
22 hereby unanimously find the defendant, Edward William Wahler,
23 on count twenty-five, not guilty; count twenty-six, not
24 guilty.

25 So say we all, this 20th day of November 2009.

1 In the matter of the United States of America versus
2 Lewis Vincent Hughes, count one: As to the charge contained
3 in count one of the bill of indictment, we hereby unanimously
4 find the defendant, Lewis Vincent Hughes, not guilty of
5 conspiracy to defraud the United States.

6 Counts twenty-one and twenty-two: With respect to
7 the specific counts of the bill of indictment alleging mail
8 fraud, or aiding and abetting, and as indicated below, we
9 hereby unanimously find the defendant, Lewis Vincent Hughes,
10 on count twenty-one, not guilty; count twenty-two, not guilty.

11 On counts twenty-five and twenty-six: With respect
12 to the specific counts of the bill of indictment alleging mail
13 fraud, or aiding and abetting, and as indicated below, we
14 hereby unanimously find the defendant, Lewis Vincent Hughes,
15 on count twenty-five, not guilty; on count twenty-six, not
16 guilty.

17 So say we all, this 20th day of November 2009.

18 THE COURT: Thank you, Madam Clerk.

19 Members of the jury, I want to thank you very much
20 for your service in this case. I believe we've been at it
21 some seven days and also approximately ten hours during
22 deliberations. I know you've been diligent in that service
23 and attentive to the case and to your responsibilities. So
24 again, we appreciate it.

25 Feel free to stop by the clerk's office on your way

1 downstairs if you have any questions or feel free to call the
2 telephone number you've been given with any questions about
3 your jury service.

4 I've told you during the trial not to discuss the
5 case at any time, but now if someone should ask you about it,
6 either an attorney or anyone else, you're free to talk about
7 it if you wish, but you have no obligation to talk about your
8 jury service or the case or anything about it if you would
9 rather not do that. That is entirely your decision.

10 So again, we appreciate it and you're free to take
11 leave at this time.

12 (Jury exited the courtroom at 4:05 p.m.)

13 THE COURT: All right. Given the jury verdicts,
14 each defendant is discharged and the indictment is dismissed.

15 There was one question that was raised earlier about
16 a laptop. Has that been secured, the one that was made
17 available in the jail for the defendants?

18 MS. ROSE: It has not. We're going to have to go
19 pick that up.

20 THE COURT: I assume you'll be able to find that.

21 DEFENDANT EDWARD WAHLER: It's in property at
22 Catawba County jail with all the CD's. It will stay there.
23 You guys can keep it.

24 THE COURT: The court will order that to be
25 returned, then, to the government.

1 And that will -- the court will be in recess.

2 DEFENDANT HUGHES: Your Honor, I have a question
3 about the release since I'm officially in BOP custody and have
4 to go through BOP release, is that going to be effected today
5 and will I be able to be in a hotel room tonight rather than
6 in a jail?

7 THE COURT: I can't tell you that for a fact.
8 They'll have to go through their normal procedure for release
9 of a prisoner.

10 DEFENDANT HUGHES: Okay, sir. Thank you.

11 THE COURT: Thank you. The court is going to remain
12 in session for the civil case; but as to the criminal case,
13 everybody is dismissed.

14 (End of proceedings at 4:08 p.m.)

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1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NORTH CAROLINA
3 CERTIFICATE OF REPORTER
4
5

6 I certify that the foregoing transcript is a true
7 and correct transcript from the record of proceedings in the
8 above-entitled matter.

9
10 Dated this 1st day of December 2010.

11
12
13 s/Cheryl A. Nuccio
14 Cheryl A. Nuccio, RMR-CRR
Official Court Reporter
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